

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4237 of 2021**

Arising Out of PS. Case No.-54 Year-2020 Thana- NATWAR District- Rohtas

NIRANJAN TIWARY S/o Pasupat Tiwary Resident of Village - Niyajipur,
P.S. Natwar, District - Rohtash.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Kanhaiya Jee Tiwari, Adv.
For the Respondent/s : Mr.Sadanand Paswan, Spl.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 26-10-2021 Learned counsel for the appellant undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the appellant and Mr. Sadanand Paswan, learned Spl. P.P. for the State.

The appellant in the present case is seeking to set aside the order dated 13.08.2021 passed by learned Additional Sessions Judge-1st-cum-Special Judge, Rohtas at Sasaram in connection with Natwar P.S. Case No.54 of 2020 registered for the offences punishable under Sections 341, 323, 325, 354-B, 504 and 506/34 of the Indian Penal Code Act and Sections 3(1)(r)(s) of SC/ST Act and his release on bail in the instant case.

As per the prosecution story, this appellant had gone to the kirana shop of the informant where he asked for a



cigarette and when the informant said that cigarette is not available, the appellant entered into the shop and tried to disrobe her and abused her in the name of her caste. It is further alleged that when the informant soughted, her brother and uncle came running down from the roof and thereafter this appellant fled away and he had torn the blouse of the informant. After some time the appellant along with his brother and father came all were lashed with iron rod, they abused the informant and others and started assaulting the informant and her brother.

Learned counsel for the appellant submits that the allegation against the appellant is completely concocted and false and due to minor dispute the present case has been lodged making false allegations. Learned counsel further submits that the co-accused Golu against whom also there is an allegation of assaulting the informant by iron rod has been granted bail by a learned coordinate Bench of this Court in Cr.Appeal (SJ) No.3051 of 2021 vide order dated 10.08.2021. The father of the present appellant who was made accused in this case has also been granted bail.

Learned counsel for the appellant submits that the appellant has remained in jail in connection with this case since 31.05.2021, investigation against him is complete and at this



stage his further incarceration in custody is not likely to come in aid of the investigation or help the prosecution.

Learned Spl. P.P. for the State has though opposed the prayer for regular bail of the appellant, but at the same time does not dispute that the co-accused Golu against whom also there is an allegation of causing assault by iron rod has been granted bail by a learned coordinate Bench of this Court.

In the facts and circumstances of the case, considering at this stage that the parties are co-villagers and the dispute seems to have taken place when the appellant had gone to purchase a cigarette from the shop of the informant and there was no premeditated occurrence at the hands of the appellant and further that the co-accused similarly situated who had allegedly assaulted has been granted bail by a learned coordinate Bench of this Court, investigation against him is complete but the trial is not likely to take place in near future, this Court sets aside the impugned order and directs release of the appellant on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-1st-cum-Special Judge, Rohtas at Sasaram in connection with Natwar P.S. Case No.54 of 2020, subject to the



condition as laid down under Section 437 (3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the appellant and in case at any stage it is found that the appellant has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the appellant. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

